

FRANK CASE MAY GET

INTO COURTS AGAIN

Attorneys Hold
Conference to

Determine Next
Move to

Save Him

Attorneys for Leo M. Frank are holding many conferences to decide whether they will appeal to the Courts again or take his Case directly to the pardon board and the governor with a plea for a pardon, or at least a commutation of the sentence.

Should the first course be decided upon, a rather authoritative rumor is to the effect that a new effort will be made

to get the Case before the United States Supreme Court, this time on the ground that Frank was convicted without due process of law in that the distinctly hostile attitude of the people in the Court Room and the crowds outside of it prevented a fair trial.

This point was made in the original motion for a new trial of the Case, denied by Judge L. S. Roan, the trial Judge, and the Supreme Court of Georgia.

Should the Attorneys decide to appeal to the Courts on this ground, they will first go to the Supreme Court of Georgia, and there ask for a Writ of Error on which the Case might be appealed to the United States Supreme Court.

In the event of the refusal of the State Supreme Court to certify to the Writ the same course as that pursued with the motion to set aside the verdict would be followed.

HOLMES' DOUBT.

The new turn of the Case is particularly interesting in view of the opinion expressed by Justice Holmes, of the United States Supreme Court, who said, while refusing to sign the Writ of Error on the motion to set aside, that he did not believe that Frank had a fair trial.

The "question of practice," which many lawyers of note say contributed principally to the failure of the motion to set aside, would not, it is said, be involved in such a motion as is now contemplated, for the reason that the point that Frank was not convicted with due process of law in that a mob surrounded the Court House, was made in the first motion that followed the trial.

In other words, the Attorneys now contemplate taking of a point from the original motion as the basis for an appeal to the High Court, instead of a motion brought after the filing of the motion for a new trial.

Should the attorneys go before the Supreme Court of the State on this point, the action will not delay the Superior Court, in

arraigning Frank, and fixing a new date for the execution of his sentence.

Of course, however, if the United States Supreme Court should agree to hear the Case on the point involved, its signing of a Writ of Error would auto-

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Dorsey Makes Jest Rhyme

When Told About New Move

Solicitor Hugh M. Dorsey appears not to be disturbed by the probable moves of the Frank defense, and when told of the alleged plan to appeal on the ground of mob influence, he smilingly quoted the rhyme about the King of France marching his 50,000 men up the hill and then marching them down the hill again.

Further than the rhyme, he refused to talk. However, he has not changed his original plan to present to Judge Ben H. Hill on Wednesday morning a Writ of Habeas Corpus, on which Frank will be arraigned probably Thursday or Friday, and the date for the execution of his sentence again fixed.
